

May 2022



SOUTH DAKOTA BOARD OF PARDONS AND PAROLES
MINUTES

Jameson Annex
1600 N Drive
Sioux Falls, SD 57104

Parole Board meetings were held on May 9,10,11 and 12, 2022 various locations in the State of South Dakota. A Full Board meeting was held on Wednesday, May 11th, 2022, commencing at 11:10 A.M. with the following present.

Present:

Myron Rau, Board Chair
Gordy Swanson, Vice Chair
Ken Albers, Member
Gregg Gass, Member
Kurt Hall, Member
Peter Lieberman, Member (Zoom)
Kirsten Aasen, Member (Zoom)
Charles Schroyer, Member
Val McGovern- Executive Director of Board of Pardons and Paroles
Brad Lewandowski, Director of Parole
Traci Fredrikson- Operations Supervisor
Stacy Cole, Corrections Specialist
Karena Cassidy, Senior Secretary
April Maeschen, Program Assistant I (Zoom)
Rachel Boyer, Parole Administration Intern (Zoom)
Loranda Kenyon, Attorney

Quorum Present? Yes

Absent: N/A

SPECIAL GUESTS: Miranda Ward-Case Manager, Angie Famestad- Parole Agent, Andrew Rodriguez-Parole Agent, Nick Nyreen-Case Manager (Zoom), Tom Lais- Senior Case Manager (Zoom), Katie Olson-Case Manager

AGENDA ITEMS:

May 2022



APPEARED/REVIEWED BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SIOUX FALLS WEDNESDAY, MAY 11th, 2022:

The following offender appeared before the full board for a parole case review hearing.

Black Cloud, William

The following offender appeared before the full board for a parole case review hearing.

Haase, Troy

Haase's current parole conditions to remain in effect. Continue parole with review in three months (August 2022) and conditions from September Board review still apply. September Conditions: continue in CTP --may utilize only pre-approved, routes to home and work only, no unauthorized calls or other contact with former or current DOC staff. Zero tolerance for any violations of parole or SOMP contract, any violation is a violation of parole. Must be chaperoned while in the community excluding work and treatment, -polygraph in 60 days

The following offender appeared before the full board for a Parole hearing. Board Member Hall made a motion to grant parole. Vice Chair Swanson seconded the motion. All board members voting aye, the motion carried.

Garreau, Tanner

The following offender appeared before the full board for a Parole hearing. Board Member Gass made a motion to grant parole. Board Member Lieberman seconded the motion. All other board members voting aye, the motion carried.

Romero, Gregory

***LUNCH BREAK *** from 12:04 P.M. -12:46 P.M.

The following offender appeared before the full board for a Parole hearing. Board Member Schroyer made a motion to grant parole. Vice Chair Swanson seconded the motion with a substitute motion that *Montgomery* release to a transitional housing placement and be placed on GPS per agents' discretion. Board Members Aasen and Alberts voting nay. All other board members voting aye, the motion carried.

Montgomery, Frederick

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STATE BOARD OF PARDONS AND PAROLES
MINUTES

Jameson Annex
1600 N Drive
Sioux Falls, SD 57104

Parole Board meetings were held on May 9, 10, 11, and 12, 2022 various locations in the State of South Dakota. A Full Board meeting was held on Thursday, May 12th, 2022, commencing at 8:01 AM with the following present.

Myron Rau, Board Chair
Gordy Swanson, Vice Chair
Ken Albers, Member
Gregg Gass, Member
Kurt Hall, Member
Charles Schroyer, Member
Peter Lieberman, Member (Zoom)
Kirsten Aasen, Member (Zoom)
Patricia White Horse-Carda, Member (Zoom)
Val McGovern, Executive Director of Board of Pardons and Paroles
Brad Lewandowski, Director of Parole
Traci Fredrikson, Operations Supervisor
Stacy Cole, Corrections Specialist
Karena Cassidy, Senior Secretary
April Maeschen, Program Assistant I (Zoom)
Rachel Boyer, Corrections Senior Intern (Zoom)
Kayla Stucky, Assistant Director of Field Operations
Liz Effling, Corrections Specialist
Loranda Keyon, Attorney

Quorum Present? Yes

COUNSEL PRESENT:

Attorney Alex Braun appeared on behalf of *Paul Jensen*.

SPECIAL GUESTS: Terry Cummings-Senior Secretary, Kim Lippincott-Senior Case Manager, Nick Nyreen-Case Manager, Miranda Ward-Case Manager, Jeff Neill- SOMP Staff, Tom Lais-Senior Case Manager, Breanna Kerr (Zoom)- Parole Secretary, Jarod Hettich-Case Manager, Tammy Johnson Dejong-Case Manager, Jerad Timmerman-Case Manager

HEARING PANELS: Panels went as planned with no changes.



MINUTES: Board Member Schroyer made a motion to approve the minutes from the April 2022 meeting of the Board. Vice Chair Swanson seconded the motion. All members voting aye; the motion carried.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (EIGHT MEMBERS, ONE AUXILIARY) IN SIOUX FALLS THURSDAY, May 12th, 2022:

The following offender appeared before the full board for a parole hearing. Board Member Aasen made a motion to grant parole, motion was seconded by Board Member Lieberman. A motion was made by Board Member Gass to table to motion to grant pending further discussion, Board Member Albers seconded the motion. Board Members Aasen and Lieberman voting nay, all others voting aye, the motion carried. After discussion, the original motion was activated. Board Members Aasen and Gass, Auxiliary Board Member White Horse – Carda, Vice Chair Swanson voting aye, all other members voting nay, the motion died. Board Member Albers made a motion to set the next review date out 8 months. Board Member Hall seconded the motion. Vice Chair Swanson and Board Member Gass voting nay, all others voting aye, the motion carried.

Jensen, Paul

BOARD REPORT: Director McGovern was available and updated the board on the following: Board Members Ed Ligtenberg and Rev. Patricia White Horse-Carda resigned from the board effective January 2022; Rev. White Horse-Carda's position remains unfilled. Faulk County Sheriff Kurt Hall was appointed to the board by AG Ravnsborg to fill the vacancy left by Board Member Ligtenberg. Kurt attended hearings and began training in February and was confirmed by the Senate in March. He is finishing up his new member training. The board received training on the institution's Sex Offender Management Program (SOMP) with Brenna Carlson and Dr. Kauffman on April 14.

The office received 19 pardon applications in April and hearings are being scheduled 3 months out. The governor took no clemency actions in April. There are currently 30 pardons and one commutation pending a final action from the Governor. The commutation paper review process was enhanced to include reasons for denial, board staff interviews prior to the paper review, and use of the SDMF tool during the review.

The Parole Board Office went through a restructuring in April. Corrections Specialist Val McGovern has been appointed Executive Director of the Board of Pardons and Paroles and is responsible for the following duties: Warrant issue and clear emails and NCIC entry, board minutes, board policies, board report (metrics, updates), Governor's warrants, board orders and rescindments, technology management. Director McGovern works for the board office; the remaining board staff are now considered parole administration and will continue with the functions of dispositional meetings, preparing for and scheduling discretionary, non-compliance,

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early discharge, pardon, commutation, parole violation, and appeal of parole date hearings, amongst other functions.

There has been a request by the Secretary that we develop a solid Parole Success Plan for the offenders. There will be more research completed so that we have a good product.

Operations Supervisor Traci Fredrikson and Board Chair Myron Rau attended APAI conference in San Diego, CA from May 1-4th.

DIRECTOR OF FIELD SERVICES REPORT: Kayla Stucky was available and updated the board on the following personnel updates:

Southeast Region Staff Update:

Agents utilized in the SE have a caseload average of 63.42. Agents utilized in the SE have a workload average of 95.99%. Current staffing: 2 vacant specialist positions, 1 vacant secretary position. 3 agents in training (SF); 1 secretary in training (SF); 1 agent on light duty. Austin Falor will begin his specialist duties 5/9/22 and Erin Boysen will begin her specialist duties 5/23/22. Breanna Kerr (current parole admin intern) will start as the part time secretary in the downtown office on 5/9/22. Parole agent specialists continue conducting the Moving On class. The Southeast Region supervises 15 extended confinement cases.

Northeast Region Staff Update:

Agents utilized in the NE Region have an average caseload of 60.73. Agents utilized in the NE have an average workload of 84.23%. Current staffing: 1 vacant agent position (Mitchell), 1 agent in training (Aberdeen). After interviewing for both the Pierre and Mitchell/Yankton position, the decision was made to hire the best applicant in Mitchell. This person would be able to affect Yankton, Mitchell, and Pierre caseloads. Therefore, the FTE that was listed in Pierre has been moved to Sioux Falls. Korey Ware will start his agent duties in the Mitchell office on 5/16/22. Firearms Instructor Doug Seim (Watertown) submitted his retirement notice, effective June 8. Interviews have occurred and a conditional offer was accepted. Juvenile Corrections Agent Thury assists with supervision of 8 cases in the Watertown office. Juvenile Corrections Agent Shawn Davis is assisting with the supervision of 7 cases in the Mitchell office. The Northeast Region supervises 12 extended confinement cases.

West Region Staff Update:

Agents utilized in the West Region have an average caseload of 62.93. Agents utilized have an average workload of 88.56%. Current staffing: one agent in training (Rapid City). Parole agent specialists continue conducting the Moving On class. Parole Specialist Rachel Steinbauer continues to meet with offenders in the parole office weekly to go over basic life skills as well as interview skills and how to apply for jobs. The West Region supervises 14 extended confinement cases.

Break 10:51-11:15 A.M.

LEGAL ISSUES: Loranda Kenyon was available and provided the following updates for the board:



Judge Lieberman brought up on Monday that there may be an appearance of impropriety as I prosecute during contested hearings and then turn around and represent the Board, both on administrative appeals as well as other actions against the Board (and also provide legal advice and guidance to the Board). Mrs. Kenyon spoke with the Deputy Secretary about this, and he did not seem terribly concerned about this, but a meeting with the AG's office will be scheduled to discuss it further. Mrs. Kenyon updated the board on current pending appeal cases.

POLICY REVIEW: Director McGovern discussed Policy 8.1.A.7, Early Discharges, there will be a revised format and a potential change in the review period. Since the Parole Board Policy is not considered official DOC policy.

BOARD TRAINING: N/A

RECUSALLS:

N/A

FULL BOARD:

The following individuals were discussed for a paper review.

Wessels, Tyson there was a motion made to grant parole to new #50991 & 50993 by Board Vice Chair Swanson and seconded by Member Albers, all members voted aye, motion carried.

Glaser, Jordan there was a motion made to grant parole to #41744 by Board Member Schroyer and seconded by Member Gass, all members voted aye, motion carried.

Gill, Robbie, there was a motion made to grant 3 years partial discharge, made by Board Member Aasen, seconded by Board Member Albers, all members voted aye, motion carried.

Dalton, Thomas, there was a motion made to grant 5 years partial discharge, made by Board Member Albers and seconded by Board Member Aasen, all members voted aye, motion carried.

DECISIONS: Board Member Schroyer made a motion to ratify and affirm all decisions: Board Member Gass seconded the motion. All members voting aye; the motion carried.

ATTACHMENTS – DECISIONS: Please refer to the attached listing entitled Board Decisions for all parole violations, suspended sentence violations, non-compliance, discretionary parole, earned discharge, and rescission decisions made by the Board this month.

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ADJOURNMENT: The meeting adjourned at 12:04 P.M., Thursday, May 12th, 2022. The next full board meeting is scheduled for June 16th, 2022, at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Myron Rau, Board Chair or Gordon Swanson, Vice Chair

Val McGovern, Director

Submitted by:
Val McGovern
Executive Director of
Board of Pardons and Paroles